

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DAYLEQUAN ARNOLD,

Plaintiff,

Case No. 3:22-cv-34

vs.

MONTGOMERY COUNTY JAIL,

District Judge Michael J. Newman

Magistrate Judge Elizabeth Preston Deavers

Defendant.

**ORDER: (1) DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE FOR
NON-PROSECUTION (DOC. NO. 1-1) AND (2) TERMINATING THIS CASE ON THE
DOCKET**

This civil case is before the Court *sua sponte* for dismissal of *pro se* Plaintiff's complaint pursuant to Fed. R. Civ. P. 41(b). Plaintiff filed a complaint on January 31, 2022 accompanied by a motion for leave to proceed *in forma pauperis*. Doc. Nos. 1, 1-1. United States Magistrate Judge Elizabeth Preston Deavers recommended that Plaintiff be required to pay the full filing fee and that, under 28 U.S.C. §§ 1915(e)(2) and 1915A, his complaint be dismissed without prejudice to refiling. Doc. No. 3. The Court adopted Judge Deavers's Report and Recommendation, dismissed without prejudice Plaintiff's complaint, and ordered that he file an amended complaint on or before May 6, 2022. Doc. No. 7. Plaintiff failed to do so, and the Court ordered him to show cause on or before June 1, 2022 why his case should not be dismissed for failure to prosecute. Doc. No. 8. Plaintiff could alternatively satisfy the Court's show cause requirement by filing an amended complaint. *Id.*¹

¹ Although Plaintiff was initially housed in, and sued, the Montgomery County jail, he has since transferred facilities. The Clerk's office has ensured that all filings in this matter were mailed to the facility where Plaintiff is currently located.

Plaintiff has failed to satisfy the Court's show cause requirement as of the date of this Order, and the Court has received no indication that he intends to file an amended complaint. *Id.* Therefore, the Court finds Plaintiff does not intend to prosecute his claims and that dismissal of his complaint is warranted. *See, e.g., Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 736 (6th Cir. 2008) ("Rule 41(b) of the Federal Rules of Civil Procedure confers on district courts the authority to dismiss an action for failure of a plaintiff to prosecute the claim or to comply with the Rules or any order of the court" (citing *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 362–63 (6th Cir. 1999))). The Court, therefore, (1) **DISMISSES WITHOUT PREJUDICE** Plaintiff's complaint (Doc. No. 1-1) and (2) **TERMINATES** this case on the docket.

IT IS SO ORDERED.

Date: June 27, 2022

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge